

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY)	
COMPANY, an insurance company)	
incorporated in the State of Iowa;)	
)	CIVIL ACTION NUMBER
Plaintiff,)	
)	2:05 CV 602-T
V.)	
)	
OLLIE WADSWORTH; and)	
JOSEPH M. PEIL)	
)	
Defendants.)	

EMPLOYERS MUTUAL CASUALTY COMPANY'S
MOTION FOR SUMMARY JUDGMENT

COMES NOW Employers Mutual Casualty Company ("EMCC") and moves the Court pursuant to Rules 54 and 56 of the *Federal Rules of Civil Procedure*, to enter summary judgment in its favor, and to make same final, on the grounds that there are no genuine issues as to any material fact and EMCC is entitled to judgment as a matter of law on these insurance coverage issues.

This Motion is based upon the following:

1. The pleadings in this case;
2. The relevant pleadings filed in the underlying action, copies of which are attached hereto as Exhibit 1;

3. A certified copy of the EMCC Homeowners Policy No. 51H-91-90-03 (hereinafter "the Policy") to Ollie Wadsworth with effective policy dates of December 10, 2002 to December 10, 2003. A true and correct copy of the Policy is attached hereto as Exhibit 2; and
4. EMCC's Memorandum Brief in Support of its Motion for Summary Judgment submitted to the Court contemporaneously with this Motion.

EMCC respectfully submits that based on the foregoing and the Memorandum Brief submitted herewith, there are no genuine issues as to any material fact and it is entitled to summary judgment as a matter of law.

WHEREFORE, EMCC respectfully requests this Court to enter final summary judgment in its favor.

Respectfully submitted,

/s/James A. Kee, Jr. ASB-4314-e68j
/s/Cynthia A. Martin ASB-2044-i49c
Attorneys for Employers Mutual Casualty
Company

OF COUNSEL
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CERTIFICATE OF SERVICE

I hereby certify that on December , 2005 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

Donald R. Jones, Jr., Esq.
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Brian P. Strength
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/s/Cynthia A. Martin ASB-2044-i49c